

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JAMES M. UPTHEGROVE,

Plaintiff,

v.

MMHI MEDICAL DIRECTOR, et al.,

Defendants.

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ORDER

Case No. 20-cv-927-bbc

On October 14, 2020, I denied plaintiff James M. Upthegrove's motion for reconsideration of my October 5 order directing plaintiff to submit a resident account statement in support of his a motion for leave to proceed without prepayment of the filing fee. Dkt. 6. Now plaintiff has submitted a second motion for reconsideration of my October 5 order, indicating that he is a patient at Mendota Mental Health Institute, and therefore is not subject to the requirements of 28 U.S.C. § 1915(a)(2). Dkt. 7.

As stated in my October 14 order, this court uses *one* mechanism—the mechanism set forth in 28 U.S.C. § 1915—to determine indigency status for *all* litigants, even for a patient at a treatment facility that requests leave to proceed *in forma pauperis*. Therefore, plaintiff's second motion for reconsideration is denied. I will give plaintiff another extension of time until November 12, 2020, to submit a resident account statement for the six-month period preceding the filing of his complaint.

As for plaintiff's Motion for Emergency Temporary Restraining Order and Injunctive Relief, dkt. 7, Judge Crabb will address that motion in a separate order.

ORDER

IT IS ORDERED that:

1. Plaintiff's second motion for reconsideration, dkt. 7, is DENIED.
2. Plaintiff may have until November 12, 2020 to submit a resident account statement for the period beginning approximately April 5, 2020 and ending approximately October 5, 2020.
3. If, by November 12, 2020, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 21st day of October, 2020.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge